

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DANA ESCOFFIER,)	
)	
Plaintiff.)	
)	
v.)	CA NO: 22-00198-JB-C
)	
iSTORAGE PO, LLC,)	
)	
Defendant.)	

ORDER

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated June 28, 2023 is ADOPTED as the opinion of this Court.

The motion to dismiss this action for failure to prosecute (Doc. 29) is **DENIED** without prejudice. Rather, it determined that the following sanctions imposed against the Plaintiff will ensure compliance with the order compelling arbitration:

1. Plaintiff shall immediately take steps to engage in the arbitration process or be subject to the ultimate sanction of dismissal of his cause of action.

2. Due to Plaintiff's willful failure to comply with a court order, he is **WARNED** that if he fails to show evidence that he is cooperating with defense counsel to set up and participate in an arbitration proceeding by the due date of the next progress report, his cause of action is subject to being dismissed for failure to

prosecute and comply with the orders of this Court.

DONE and ORDERED this 27th day of July, 2023.

/s/ JEFFREY U. BEAVERSTOCK
CHIEF UNITED STATES DISTRICT JUDGE